

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 2, 4, 6-14 and 16 are pending in the application. Claims 2, 4 and 6 are independent.

The Office Action dated March 26, 2008 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the pending claims are respectfully requested in view of the following remarks.

#### **Priority Under 35 U.S.C. § 119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

#### **Claim Objections**

Claims 9 and 10 stand objected to for lacking proper antecedent basis for some terms, and the Examiner has provided helpful suggestions for resolving the informalities. Accordingly, by adopting the Examiner's suggestions it is submitted that proper antecedent basis has been established for the claim terms, and reconsideration and withdrawal of the objection are respectfully requested.

#### **Claim Rejections – 35 U.S.C. § 102**

In the Office Action, claims 1-3, 6-8, 12-14 and 17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 2002046309 A to Momose. Claims 4, 7, 8, 16 and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by JP 07125351 A to Kobayashi. Claim 5 stands rejected under 35 U.S.C. § 102(b) as being anticipated by JP 07140854 A to Senma. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

In order to establish *prima facie* anticipation under 35 U.S.C. § 102, the cited reference must teach or inherently include each and every element of the claims. *See M.P.E.P. § 2131; M.P.E.P. § 706.02.*

With regard to the rejection of claims 2, 4 and 6, while not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claims 2, 4 and 6 have been amended to include the limitations of claims 5, 3 and 3, respectively, along with other amendments to address additional features of the invention. Accordingly, the rejections of claims 2, 4 and 6, and claims 7, 8, 12-14 and 16, dependent thereon, thereby automatically render moot the prior anticipation rejections. Applicants respectfully submit that the combinations of features as set forth in claims 2, 4 and 6 are not disclosed or made obvious by the prior art of record including Momose, Kobayashi and Senma.

Claim 2, as amended, corresponds to image formation operation when multi-feeding occurs according to the main transport path with a straight path configuration and when multi-feeding occurs according to the reverse transport path. Claim 2 now requires, *inter alia*, that when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is continued, and when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the recording paper transport system another recording paper is also transported, and the other recording paper is positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is prohibited.

Momose and Senma were applied against original claims 2 and 5, respectively, which have now been combined and presented as claim 2. Momose appears to merely allow printing to operate in the condition where double feeding has occurred and the second paper is not between the first paper and the printer. Senma appears to only allow feeding in the double feed condition and prevents printing in the condition where the misfed second sheet is between the first sheet and the printer. (It is noted that the Examiner has not provided translations of any of these non-English documents therefore, should these references continue to be used in rejections, Applicants' representative would appreciate English language translations be provided.)

Momose and Senma do not show or suggest the combination of fault recovery conditions now provided in claim 2, wherein an image forming apparatus continues image formation processing or prohibits image formation processing depending upon the location of the second sheet. Indeed, it does not even appear that in the devices of Momose and Senma both such fault conditions could even occur, much less suggest how an image formation processing device could be modified for control of both circumstances. Accordingly, it is submitted that this combination of features as set forth in claims 2 is not disclosed or made obvious by the prior art of record, including Momose and Senma.

Claim 4, as amended, corresponds to an image forming operation when multi-feeding occurs according to the main transport path with a straight path configuration and the placement stage corresponds to the cassette in which the contact face of the recording paper contacted by the feed member is the image forming face, and the operation when multi-feeding occurs according to the reverse transport path. This enables accurate determination of whether the contact face of the first recording paper contacted by the feed member is the image forming face or not, when multi-feeding occurs, depending upon which of the first placement stage and the second placement stage the paper is fed from; and eventually enables a suitable image forming operation according to the determination result. Claim 4 now requires, *inter alia*, that when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second replacement stage, image forming processing for the other recording paper by the image forming system is continued.

Momose and Kobayashi were applied against claims 4 and 3, respectively, which have now been combined and presented as claim 4. As discussed above, Momose appears to merely allow printing to operate in the condition where double feeding has occurred and the second paper is not between the first paper and the printer. Kobayashi appears to show image forming

on the second sheet based upon the measured distance from the first sheet. Neither Momose nor Kobayashi shows or suggests the combination of fault recovery conditions now provided in claim 4, wherein an image forming apparatus continues image formation processing or delays image formation processing depending upon the location of the second sheet. Indeed, it does not even appear that in the devices of Momose and Kobayashi, both such fault conditions could even occur, much less suggest how an image formation processing device could be modified for control of both circumstances. Accordingly, it is submitted that this combination of features as set forth in claim 4 is not disclosed or made obvious by the prior art of record including Momose and Kobayashi.

Claim 6, as amended to combine the features of claims 3 and 6, corresponds to image formation which enables accurate determination of whether the contact face of the first recording paper contacted by the feed member is the image forming face or not, when multi-feeding occurs, depending upon which of the first placement stage and the second placement stage the paper is fed from, and eventually enables a suitable image forming operation according to the determination result. Claim 6 now requires, *inter alia*, when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when, in the case that multi-feeding has occurred in which when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second placement stage, image forming processing for the first recording paper by the image forming system is prohibited.

Momose was applied to claims 3 and 6. Momose appears to merely allow printing to operate in the condition where double feeding has occurred and the second paper is not between the first paper and the printer, and to suspend printing when the first sheet is not the image forming face. Momose neither shows nor suggests the combination of conditions where printing is permitted or suspended depending upon which placement stage, the first or the second, from which the sheet has been fed. Momose fails to show or suggest these features as now claimed.

Accordingly, Applicants respectfully submit that the combination of features as now recited in independent claims 2, 4 and 6, and claims 7-14 and 16 dependent thereon, are not shown or suggested by any of Momose, Kobayashi or Senma.

*Claim Rejections – 35 U.S.C. § 103*

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of JP 05088564 A to Yoshimoto. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of JP 07295311 A to Nakagawa. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi in view of U.S. Patent No. 5,485,247 to Morishita et al. (“Morishita”). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Momose in view of JP 2002193559 A to Irihara.

Yoshimoto is relied upon for an increased transfer bias in the case that multi-feeding has occurred over the normal transfer bias associated with normal printing. Yoshimoto does not show or suggest the combination of controls when multi-feeding occurs such that when the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is continued, and when the other recording paper is positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 2. Yoshimoto does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second replacement stage, image forming processing for the other recording paper by the image forming system is continued, as is now set forth in claim 4. Yoshimoto does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the

feed member another recording paper is also supplied, and the first recording paper has been fed from the second placement stage, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 6.

Nakagawa is relied upon for an increase in fixing temperature over the normal temperature for thick recording paper. Nakagawa does not show or suggest the combination of controls when multi-feeding occurs such that when the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is continued, and when the other recording paper is positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 2. Nakagawa does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second replacement stage, image forming processing for the other recording paper by the image forming system is continued, as is now set forth in claim 4. Nakagawa does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second placement stage, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 6.

Morishita is relied upon for a trailing edge detector in the case that multi-feeding has occurred. Morishita does not show or suggest the combination of controls when multi-feeding occurs such that when the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is continued, and when the other recording

paper is positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 2. Morishita does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second replacement stage, image forming processing for the other recording paper by the image forming system is continued, as is now set forth in claim 4. Morishita does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second placement stage, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 6.

Irihara is relied upon for providing a scanning apparatus and an electrographic printer. Irihara does not show or suggest the combination of controls when multi-feeding occurs such that when the other recording paper is not positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is continued, and when the other recording paper is positioned between the first recording paper and an image forming portion of the image forming system, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 2. Irihara does not show or suggest the combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second replacement stage, image forming processing for the other recording paper by the image forming system is continued, as is now set forth in claim 4. Irihara does not show or suggest the

combination of controls when multi-feeding occurs such that when the first recording paper has been fed from the first placement stage, image forming processing for the first recording paper by the image forming system is continued, and when a first recording paper is transported by the feed member another recording paper is also supplied, and the first recording paper has been fed from the second placement stage, image forming processing for the first recording paper by the image forming system is prohibited, as is now set forth in claim 6.

Applicants respectfully submit that the combination of elements as set forth in independent claims 2, 4 and 6 is not shown or suggested by the applied prior art, including Yoshimoto, Nakagawa, Morishita and Irihara, for the reasons explained above, and therefore also fails to show or suggest the combination of claims 9-11, the claims dependent thereon. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

### Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.



If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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